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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,941	09/05/2003	Ryuichi Sato	040894-5949	5489
9629	7590	08/25/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/654,941

Applicant(s)

SATO, RYUICHI

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/05/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II (i.e., claims 1-9 and 12-15) in the reply filed on June 1, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5, 7-9 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, claims 1-5, 7-9 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

For claim 1, it is unclear what structure or structural relationship between the recited elements of claim 1 allows the pressing member to advance and retract, as claimed.

For claim 2, it is unclear what structure or structural relationship between the recited elements of claim 2 allows the pressing member to advance and retract and not hinder discharge of sheets, as claimed.

For claim 4, it is unclear what structure or structural relationship between the recited elements of claim 4 allows the pressing member to advance and retract based on some operation (e.g., folding) that is performed on sheets.

For claim 5, it is unclear what structure or structural relationship between the recited elements of claim 5 allows the pressing member to go away from the collected sheets.

In claim 7, it is unclear which sheet is referred to.

For claim 8, it is unclear what structure or structural relationship between the recited elements of claim 8 allows the reference position to change, as claimed.

In claim 9, it is unclear what is meant by the recited "said longitudinal alignment portion once moves from said sheet alignment position to a sheet pressing position in synchronization with predetermined sheet conveying timing and thereafter returns to said sheet alignment position."

For claim 12, it is unclear what structure or structural relationship between the recited elements of claim 12 allows the conveyance force to be set in such a way as to be variable, as claimed.

For claim 14, it is unclear what structure or structural relationship between the recited elements of claim 14 allows the second moving-aside unit to change a position, as claimed.

For claim 15, it is unclear what structure or structural relationship between the recited elements of claim 15 allows the second moving-aside unit to be set in a manner that varies according to whether or not folding is performed on sheets.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-8 and 12-14, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,527,269 (Yamada et al.). In particular, the Yamada et al. patent discloses all of the limitations of claims 1-3, 6-8 and 12-14.

Regarding claim 1, Figs. 1-3 show a sheet processing apparatus comprising:

a compiling tray (near 109) for forming a sheet bundle by sequentially collecting sheets supplied thereto;

a sheet alignment portion (119) for aligning sheets supplied to the compiling tray (near 109); and

a pressing member (including 105 and 130), provided in such a way as to be able to advance and retract in a direction of thickness of the sheets collected in the compiling tray (near 109), for holding sheets already collected in the compiling tray and aligned in the sheet alignment portion when a new sheet is supplied to the compiling tray (near 109). In particular, the pressing member (including 105 and 130) holds the sheets already collected in the compiling tray by pushing down and also pushes incoming sheets toward a wall 119.

Regarding claim 2, Figs. 1-3 show that the pressing member (including 105 and 130) is provided in such a way as to advance and retract between an advancing position (Fig. 3), at which the pressing member (including 105 and 130) presses sheets on the compiling tray (near 109), and a retreating position (Fig. 1) at which the pressing member (including 105 and 130) does not hinder the sheets on the compiling tray from being discharged therefrom.

Regarding claim 3, Figs. 1-3 show a guide member (105), provided in such a way as to be able to be interlocked with the pressing member (including 105 and 130), for guiding a sheet newly supplied to the compiling tray (near 109).

Regarding claim 6, Figs. 1-3 show a sheet processing apparatus comprising:

a compiling tray (near 109) for receiving and stacking conveyed sheets;

a longitudinal reference wall (119) for performing alignment of sheets stacked on the compiling tray (near 109) by aligning rear ends of the sheets; and

a longitudinal alignment portion (including 105 and 130) for changing a reference position in a direction of thickness of sheets stacked on the compiling tray (near 109), for providing a predetermined conveyance force to sheets sequentially supplied to the compiling tray (near 109), and for pushing the sheets against the longitudinal reference wall (119).

Regarding claim 7, Figs. 1-3 show that the longitudinal alignment portion (including 105 and 130) conveys a sheet to the longitudinal reference wall (119) by using a member (105) that turns by simultaneously touching a surface of the sheet.

Regarding claim 8, Figs. 1-3 show that the reference position in the longitudinal alignment changes according to the number of sheets stacked on the compiling tray (near 109). In particular, the longitudinal alignment portion pivots as shown in Fig. 2. The amount of pivoting will depend on the number of sheets stacked on the compiling tray. As such, the reference position of member (105) will be changed. Thus, the limitations of claim 8 are met.

Regarding claim 12, Figs. 1-3 show a sheet processing apparatus comprising:

a compiling tray (near 109) for receiving and stacking supplied sheets;

a longitudinal reference wall (119) for performing alignment of sheets stacked on the compiling tray (near 109) by aligning rear ends of the sheets;

a first moving-aside unit (including 106) for moving the sheets aside toward the longitudinal reference wall (119) at a rear end side (Fig. 3) of the sheets supplied to the compiling tray (near 109); and

a second moving-aside unit (including 105 and 130) for moving the sheets aside toward the longitudinal reference wall (119) at a leading end side (Fig. 3) of each of the sheets, wherein: the second moving-aside unit (including 105 and 130) is provided closer to the leading end side (Fig. 3) than the first moving-aside unit (including 106); and

a conveyance force of the second moving-aside unit (including 105 and 130) is used for moving the sheets aside toward the longitudinal reference wall (119), and set therein in such a way as to be variable. The conveyance force is variable, in that it depends on when the second moving aside-unit is in an upward position or a downward position. Fig. 3 shows the leading end of the sheet entering near numeral 105.

Regarding claim 13, Figs. 1-3 show that the second moving-aside unit (including 105 and 130) is enabled to move in a direction of thickness of a sheet bundle accommodated in the compiling tray. See Fig. 3 for downward position and Fig. 1 for upward position.

Regarding claim 14, Figs. 1-3 show that the second moving-aside unit (including 105 and 130) changes a position thereof in a direction of thickness of a sheet bundle according to the sheet bundle stacked on the compiling tray. In particular, the second



moving-aside unit pivots as shown in Fig. 2. The amount of pivoting in the direction of thickness will depend on the number of sheets stacked on the tray.

4. Claims 1-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,288,062 (Rizzolo et al.). In particular, the Rizzolo et al. patent discloses all of the limitations of claims 1-9.

Regarding claim 1, Figs. 1-5 show a sheet processing apparatus comprising:

a compiling tray (near 95) for forming a sheet bundle by sequentially collecting sheets supplied thereto;

a sheet alignment portion (near 91) for aligning sheets supplied to the compiling tray (near 95); and

a pressing member (including 84 and 88), provided in such a way as to be able to advance and retract (see, e.g., column 5, lines 41-47) in a direction of thickness of the sheets collected in the compiling tray (near 95), for holding sheets already collected in the compiling tray and aligned in the sheet alignment portion when a new sheet is supplied to the compiling tray (e.g., as shown in Fig. 4A).

Regarding claim 2, Figs. 1-5 show that the pressing member (including 84 and 88) is provided in such a way as to advance and retract between an advancing position, at which the pressing member presses sheets on the compiling tray (near 95), and a retreating position at which the pressing member does not hinder the sheets on the compiling tray (near 95) from being discharged therefrom. Figs. 1-5 show that the

pressing member (including 84 and 88) operates to press sheets on the compiling tray (near 95). Moreover, Figs. 4B-4C show that the pressing member (including 84 and 88) operates such that it does not hinder discharge of the sheets on the compiling tray (near 95).

Regarding claim 3, Figs. 1-5 show a guide member (84), provided in such a way as to be able to be interlocked with the pressing member (including 84 and 88), for guiding a sheet newly supplied to the compiling tray (near 95).

Regarding claim 4, Figs. 1-5 show that advancing and retracting operations of the pressing member (including 84 and 88) vary according to a thickness of sheets newly supplied to the compiling tray. In particular, the thickness of sheets newly supplied to the compiling tray will affect the height of the stack on the compiling tray. Such height affects the advancing and retracting operations of the pressing member (including 84 and 88). See, for example, column 5, lines 41-47.

Regarding claim 5, Figs. 4A-4B show that the pressing member (including 84 and 88) presses sheets already collected on the compiling tray before a leading end of a sheet newly supplied (Fig. 4A) to the compiling tray (near 95) touches the sheets already collected thereon, and wherein the pressing member (including 84 and 88) goes away from the collected sheets before a rear end of the newly supplied sheet is discharged onto the compiling tray (near 95). The pressing member (e.g. 84) goes up and down during feeding of sheets for alignment. As such, the limitations are met during the operation of the pressing member.

Regarding claim 6, Figs. 1-5 show a sheet processing apparatus comprising:

a compiling tray (near 95) for receiving and stacking conveyed sheets;

a longitudinal reference wall (near 91) for performing alignment of sheets stacked on the compiling tray (near 95) by aligning rear ends of the sheets (i.e., rear ends of the sheets are the last ends to enter the tray as shown in Fig. 4A); and

a longitudinal alignment portion (including 84 and 88) for changing a reference position in a direction of thickness of sheets stacked on the compiling tray (near 95), for providing a predetermined conveyance force to sheets sequentially supplied to the compiling tray (near 95), and for pushing the sheets against the longitudinal reference wall (near 91).

Regarding claim 7, Figs. 1-5 show that the longitudinal alignment portion (including 84 and 88) conveys a sheet to the longitudinal reference wall (near 91) by using a member (84) that turns by simultaneously touching a surface of the sheet.

Regarding claim 8, column 5, lines 41-47 disclose that the reference position in the longitudinal alignment changes according to the number of sheets stacked on the compiling tray (near 95).

Regarding claim 9, Figs. 1-5 show that the longitudinal alignment portion (including 84 and 88) conveys sheets to the longitudinal reference wall (near 91) when placed at a sheet alignment position, wherein the longitudinal alignment portion (including 84 and 88) once moves from the sheet alignment position to a sheet pressing


position in synchronization with predetermined sheet conveying timing and thereafter returns to the sheet alignment position.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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